

**LABEL IN PART:** (Box) "Cardinal Fever Thermometer Kind—Oral."

**ACCOMPANYING LABELING:** Leaflets designated "Certificate of Accuracy."

**RESULTS OF INVESTIGATION:** Examination revealed that 8 out of 24 thermometers taken from this lot failed to comply with the requirement for accuracy specified in Commercial Standard CS1-52 issued by the National Bureau of Standards of the Department of Commerce when tested as described in Commercial Standard CS1-52.

**LIBELED:** 2-7-56, N. Dist. Ohio.

**CHARGE:** 501 (c)—the quality of the article, when shipped, fell below that which it purported and was represented to possess; and 502 (a)—the statement in the labeling accompanying the article when shipped, namely, "We, the undersigned manufacturers, hereby certify that this registering clinical thermometer has been tested and found to meet all the requirements and tests specified in Commercial Standard CS1-52, as developed by the trade under the procedure of the Commodity Standards Division, and issued by the United States Department of Commerce," was false and misleading.

**DISPOSITION:** 3-7-56. Default—destruction.

**5017. Clinical thermometers.** (F. D. C. No. 38921. S. No. 47-488 M.)

**QUANTITY:** 312 *clinical thermometers* at Newark, N. J.

**SHIPPED:** 12-10-55, from Brooklyn, N. Y., by Cardinal Thermometer Co.

**LABEL IN PART:** (Box) "Cardinal Fever Thermometer Kind—Oral."

**ACCOMPANYING LABELING:** Leaflets designated "Certificate of Accuracy."

**RESULTS OF INVESTIGATION:** Examination revealed that 3 out of 24 thermometers taken from this lot failed to comply with the requirement for accuracy specified in Commercial Standard CS1-52 issued by the National Bureau of Standards of the Department of Commerce when tested as described in Commercial Standard CS1-52.

**LIBELED:** 1-24-56, Dist. N. J.

**CHARGE:** 501 (c)—the quality of the article, when shipped, fell below that which it purported and was represented to possess; and 502 (a)—the statement in the labeling accompanying the article when shipped, namely, "We, the undersigned manufacturers, hereby certify that this registering clinical thermometer has been tested and found to meet all the requirements and tests specified in Commercial Standard CS1-52, as developed by the trade under the procedure of the Commodity Standards Division, and issued by the United States Department of Commerce," was false and misleading.

**DISPOSITION:** 3-5-56. Default—destruction.

**5018. Clinical thermometers.** (F. D. C. No. 38720. S. No. 29-942 M.)

**QUANTITY:** 176 *clinical thermometers* in individual cartons at Paterson, N. J.

**SHIPPED:** Between 12-4-53 and 9-9-55, from Brooklyn, N. Y., by Cornell Instrument Co.

**LABEL IN PART:** (Carton) "Cornell Fever Thermometer Baby Special."

**ACCOMPANYING LABELING:** Inserts designated "Certificate of Examination."

**RESULTS OF INVESTIGATION:** Examination showed that 6 of 24 thermometers taken from this lot failed to meet the labeled standard of accuracy.

**LIBELED:** 11-28-55, Dist. N. J.

**CHARGE:** 501 (c)—the quality of the article, when shipped, fell below that which it purported and was represented to possess; and 502 (a)—the label statement "This Certifies that this thermometer has been tested \* \* \* at 98°, 102°, and 106° F. or its equivalent in centigrade scale, and is correct within plus or minus .15° F. or .08° C. at any of these test points" was false and misleading.

**DISPOSITION:** 1-24-56. Default—destruction.

**5019. Clinical thermometers.** (F. D. C. No. 38736. S. No. 36-937 M.)

**QUANTITY:** 64 *clinical thermometers* in envelopes at West New York, N. J.

**SHIPPED:** 2-9-55 and 3-1-55, from New York, N. Y., by Dependable Thermometer Co.

**LABEL IN PART:** (Envelope) "Tested Clinical Thermometer Kind Rectal."

**ACCOMPANYING LABELING:** Inserts designated "Certificate of Examination Fever Thermometer."

**RESULTS OF INVESTIGATION:** Examination revealed that 2 out of 15 thermometers taken from this lot failed to meet the labeled standard of accuracy.

**LIBELED:** 12-8-55, Dist. N. J.

**CHARGE:** 501 (c)—the quality of the article, when shipped, fell below that which it purported and was represented to possess; and 502 (a)—the label statements "This Certifies that the thermometer bearing the above identification number has been tested on the above date at 98°, 102° and 106° F. or its equivalent in centigrade scale, and is correct within plus or minus .20° F. or .11° C. at any of these test points. The accuracy of this thermometer has been determined by testing and checking same with instruments tested by the National Bureau of Standards of the United States Dep't. of Commerce, Washington, D. C." were false and misleading.

**DISPOSITION:** 1-10-56. Default—destruction.

## DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS

### DRUGS FOR HUMAN USE\*

**5020. Salpharin capsules.** (F. D. C. No. 38214. S. No. 7-836 M.)

**QUANTITY:** 480 100-capsule btls. at Oklahoma City, Okla., in possession of C & D Drug Co.

**SHIPPED:** In March 1955, from Wichita, Kans.

**LABEL IN PART:** (Btl.) "Salpharin 100 Capsules \* \* \* Active Ingredients: Salicylamide, Aspirin, Ascorbic Acid with Powdered Alfalfa Seed."

**ACCOMPANYING LABELING:** Leaflets designated "If you suffer discomforts and pain of—Arthritis Rheumatism Lumbago try the new Salpharin Capsules" and loose bottle labels described above.

**RESULTS OF INVESTIGATION:** The consignee repackaged the capsules into the bottles. The leaflets were printed locally for the consignee.

**LIBELED:** 7-11-55, W. Dist. Okla.

**CHARGE:** 502 (a)—the labeling of the article, while held for sale, contained false and misleading representations that the article was an adequate and

\*See also Nos. 5002, 5005, 5008-5013, 5016-5019.